

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 04-80200

v.

Honorable Arthur J. Tarnow
United States District Judge

RICHARD R. MORRIS,

Defendant.

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AMENDED ORDER

On December 7, 2006, a panel of the Sixth Circuit affirmed this Court's July 20, 2005 determination that Morris was denied the effective assistance of counsel under the standards of both *United States v. Cronin*, 466 U.S. 648 (1984) and *Hill v. Lockhart*, 474 U.S. 52 (1985). In terms of the remedy, the Sixth Circuit concluded that this Court had the authority to dismiss the federal indictment in order to remedy the constitutional violation but lacked the authority to remand the case to state court. As a result, the case was remanded for further proceedings consistent with the opinion. Thus, for the reasons stated in the Sixth Circuit's December 7, 2006 Opinion,

IT IS HEREBY ORDERED that the portion of the Court's July 20, 2005 Opinion and Order related to remanding the case to state court is **VACATED** and the case remains **DISMISSED**.

S/ARTHUR J. TARNOW
Arthur J. Tarnow
United States District Judge

Dated: May 21, 2007

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 21, 2007, by electronic and/or ordinary mail.

S/THERESA E. TAYLOR
Case Manager